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12 October 1950

MEMORANDUM FOR: GENERAL COUNSEL ✓
CHIEF, INSPECTION & SECURITY STAFF

FROM: Assistant Director, OCD

SUBJECT: Draft of Regulations Establishing Minimum
Standards for Handling and Transmission of
Classified Information

1. Subject draft regulations include one paragraph which this Agency cannot accept, another which should have a fuller statement of its inapplicability to the DCI, and a third of minor importance which the General Counsel should consider. In order, they are:

2. Paragraph 28 B, on page 8, is unacceptable and would have far-reaching and disastrous effects if enforced on CIA. It requires a specific exception for the Director of Central Intelligence, which might be provided by wording such as is underlined below following the text as it now stands:

"Classified telegrams may be referred to, extracted from, paraphrased, downgraded, declassified and disseminated only in accordance with special regulations issued by the head of the originating agency" or by the Director of Central Intelligence.

CIA daily reproduces, abstracts, and makes extracts from a heavy volume of classified telegrams originated by State and the Defense agencies. We daily violate the letter of their regulations, and must continue to do so. Because:

(a) Our entire reference system is based on IBM cards which carry abstracts and extracts of classified documents.

(b) It is precisely those documents which are urgent, which are sensitive, and which require prompt action by CIA, which also come to us in only one or two copies and must be reproduced immediately in order that action may be taken by those concerned.

(c) Microfilm reproduction of classified documents must be resorted to in order to keep files down to manageable size.

3. Paragraph 32 C on page 11 is the old Third Agency Rule, carrying the exception in favor of the DCI which ICAPS succeeded

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in 1947 in getting into SWNCC 252/9 as modified by SANACC 252/10. Perhaps this part of it is all right, but believe that General Counsel should carefully read the footnote describing the Central Intelligence Agency, and see if it needs revision.

Following the "Third Agency Rule", and in the same paragraph is the following:

"Top Secret and Secret documents and material shall not be reproduced without the consent of the originating agency."

For comment on this restriction see my paragraph 2 above. We reproduce a heavy volume of these documents daily, and must continue to do so. It would be entirely impracticable to obtain "the consent of the originating agency" in each instance.

4. Paragraph 37 A on page 17 provides that "Record material may be destroyed only in accordance with the Act of July 7, 1943, as amended, 44 USC Secs 366-380."

This Office has repeatedly asked General Counsel for a statement as to whether or not CIA is excepted from the provisions of this Act, as it is probably not desirable that we be bound to send operational materials to National Archives for file or destruction.

If CIA is excepted from the Act, then Paragraph 37 A of these proposed Security Regulations should probably include a statement to that effect.

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